

24,25

# Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: ASHLEE MACDONALD, AICP, SENIOR PLANNER

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THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER

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**MEETING DATE: October 2, 2019** 

#### **SUBJECT:**

A. GP18-09 NEC WARNER AND RECKER ROADS: REQUEST FOR MAJOR GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE CLASSIFICATION OF APPROX. 124.8 ACRES LOCATED AT THE NORTHEAST CORNER OF RECKER AND WARNER ROADS FROM 28.4 ACRES OF BUSINESS PARK (BP), 87.5 ACRES OF LIGHT INDUSTRIAL (LI) AND 8.9 ACRES OF COMMUNITY COMMERCIAL (CC) TO 18.2 ACRES OF RESIDENTIAL > 8-14 DU/ACRE (R>8-14 DU/AC), 10.4 ACRES OF RESIDENTIAL > 5-8 DU/ACRE (R>5-8 DU/AC), 65.6 ACRES OF RESIDENTIAL > 3.5-5 DU/ACRE (R>3.5-5 DU/AC), AND 30.6 ACRES OF LIGHT INDUSTRIAL (LI) LAND USE CLASSIFICATIONS.

B. Z18-19 NEC WARNER AND RECKER ROADS: REQUEST TO AMEND ORDINANCE NOS. 2261, 2378, AND 2448 PERTAINING TO THE ROCKEFELLER GROUP NORTH GATEWAY PLANNED AREA DEVELOPMENT (PAD) OVERLAY ZONING DISTRICT, GENERALLY LOCATED AT THE NORTHEAST CORNER OF RECKER AND WARNER ROADS BY REMOVING FROM THE PAD APPROX. 124.8 ACRES CONSISTING OF 87.5 ACRES OF LIGHT INDUSTRIAL (LI), 28.4 ACRES OF BUSINESS PARK (BP), AND 8.9 ACRES OF COMMUNITY COMMERCIAL (CC) ZONING DISTRICTS; CREATING THE NEC WARNER AND RECKER ROADS PAD, APPROVING A NEW DEVELOPMENT PLAN FOR THE NEC WARNER AND RECKER ROADS PAD; AND CHANGING THE ZONING CLASSIFICATION FROM 87.5

ACRES OF LI, 28.4 ACRES OF BP, AND 8.9 ACRES OF CC, ALL WITH A PAD TO 30.6 ACRES OF LIGHT INDUSTRIAL (LI), 18.2 ACRES OF SINGLE FAMILY - ATTACHED (SF-A), 30.0 ACRES OF SINGLE FAMILY - DETACHED (SF-D), 19.5 ACRES OF SINGLE FAMILY - 6 (SF-6) AND 26.5 ACRES OF SINGLE FAMILY - 7 (SF-7) ZONING DISTRICT, ALL WITH THE NEW NEC WARNER AND RECKER ROADS PAD OVERLAY.

STRATEGIC INITIATIVE: Exceptional Built Environment

Approval of this major General Plan amendment and rezoning request will allow the landowner to develop a master planned community.

#### **RECOMMENDED MOTION**

A. Move to recommend to Town Council approval of GP18-09, a Major General Plan Amendment.

B. For the reasons set forth in the staff report, move to recommend approval to Town Council for Z18-19, as requested, subject to the conditions listed in the staff report.

## <u>APPLICANT</u> <u>OWNER</u>

Company: Withey Morris, PLC

Name: Adam Baugh Company: Recker and Warner LLC

Address: 2525 E. Arizona Biltmore Cir A-212 Address: 17800 N Perimeter Dr. Ste 210

Phoenix, AZ 85016 Scottsdale, AZ 85255

Phone: 602-230-0600 Phone: 480-860-2000

Email: adam@witheymorris.com Email: egrant4@simaz.com

#### BACKGROUND/DISCUSSION

#### History

Date	Description
Feb 3, 2003	Town Council annexed 156.24 acres with case A06-17 (Resolution
	No. 1793)
October 14, 2004	Town Council approved Z06-68 (Ord. No 1860) rezoning
	approximately 78.7 acres from Maricopa County Rural - 43 to
	Community Commercial and Business Park and Z07-72 (Ord. No
	1861) rezoning approximately 77 acres from Maricopa County
	Rural – 43 to SF-D and MF/L with a PAD

November 17, 2009	Town Council approved case GP09-04 (Resolution No. 2996)
1,7,200	changing the land use designation on 156 acres from Residential >
	5-8 DU/Acre, BP, CC, GFC to Residential > 14-25 DU/Acre, CC,
	BP and LI and Z09-10 (Ordinance No 2261) rezoning 156 acres
	from SF-D, MF/L, BP and CC to MF/M, BP, CC, and LI with a
	PAD
June 28, 2012	Town Council approved GP12-02 (Resolution No. 3124) changing
	the land use designation on approximately 1.04 acres from LI, BP,
	and R>14-25 DU/Acre to Residential >14-25 DU/Acre and LI and
	Z12-03 (Ordinance No. 2378) rezoning approximately 34.1 acres
	from MF/M, BP and LI with a PAD to MF/M, BP and LI with a
	PAD to reconfigure the site.
July 19, 2012	Design Review Board approved DR12-07 approving the site plan,
01117, 2012	landscaping, and elevations for North Gateway Apartments (Liv
	Northgate)
September 17, 2013	Town Council approved a GP13-09 (Resolution No. 3195) and Z13-
September 17, 2013	,
	20 (Ordinance No. 2448) rezoning a portion of the Rockefeller
	Group North Gateway PAD from BP, LI and CC to BP, LI and CC
November 5, 2018	Planning Commission recommended approval of GP18-09.
December 6, 2018	Town Council denied GP18-09.
December 20, 2018	Town Council passed a motion (6-1 vote) to reconsider Council's
	action of December 6, 2018. It was requested that staff accept an
	amended application for future Planning Commission and Town
	Council consideration.
July 10, 2019	Planning Commission reviewed GP18-09 and Z18-19 as a study
	session item.
September 17, 2019	Planning Commission discussed GP18-09 and Z18-19 at the first of
September 17, 2019	two public hearings. No motion was required.
	Tiwo public hearings. Two monon was required.

#### Overview

The subject site is 124.8 gross acres located at the northeast corner of Recker and Warner Roads. The applicant is requesting a Major General Plan amendment to change the land use classification of approx. 124.8 acres from 28.4 acres of Business Park (BP), 87.5 acres of Light Industrial (LI) and 8.9 acres of Community Commercial (CC) to 18.2 acres of Residential > 8-14 DU/Acre (R>8-14du/ac), 10.4 acres of Residential > 5-8 DU/Acre (R>5-8du/ac), 65.6 acres of Residential > 3.5-5 DU/Acre (R>3.5-5du/ac), and 30.6 acres of Light Industrial (LI) land use classifications, in order to develop a residential master planned community. In conjunction with the General Plan amendment, a rezoning application has also been submitted consisting of 30.6 acres of Light Industrial (LI), 18.4 acres of Single Family - Attached (SF-A), 30.0 acres of Single Family - Detached (SF-D), 19.5 acres of Single Family - 6 (SF-6) and 26.5 acres of Single Family - 7 (SF-7) zoning district, all with a Planned Area Development (PAD) overlay.

**Surrounding Land Use & Zoning Designations** 

<b>Existing Land Use</b>	<b>Existing Zoning</b>	<b>Existing Use</b>
Classification		

North	Community Commercial,	Multi Family/Medium	Liv Northgate Multi-
	Residential > 14-25	(MF/M) and Single	family and Elliot Groves
	DU/Acre and Residential >	Family-Detached (SF-D)	at Morrison Ranch single
	2-3.5 DU/Acre	with a PAD	family residential
South	Community Commercial,	Community Commercial	Recker Road then Charter
	Residential > 5-8 DU/Acre,	(CC) and Single Family-	School, Residential and
	Residential > 1-2 DU/Acre	Detached (SF-D) with a	vacant land
		PAD and Maricopa	
		County Airport District –	
		3 (AD-3)	
East	Business Park (BP), Light	Business Park (BP), Light	Vacant (Morrison Ranch
	Industrial (LI) and General	Industrial (LI) and	Business Center)
	Commercial (GC)	General Commercial	
		(GC) with a PAD	
West	Residential > 2-3.5 DU/Acre	Single Family – 6 (SF-6)	Recker Road then Vacant
	Residential > 3.5-5 DU/Acre	and Single Family – 10	(Lakeview Trails at
		SF-10) with a PAD	Morrison Ranch)
Site	Business Park (BP), Light	Business Park (BP), Light	Vacant
	Industrial (LI) and	Industrial (LI) and	
	Community Commercial	Community Commercial	
	(CC)	(CC) with a PAD	

#### **General Plan**

The amendment proposes to modify the land use classifications from non-residential land uses to primarily residential land uses on an area greater than 40 acres; as such the proposal qualifies as a major General Plan amendment. State law requires that major amendments to the General Plan be presented and considered by the Town Council at a single public hearing during the calendar year in which the proposed amendment is requested. Applicants must demonstrate the merits of the proposed change as an improvement to or consistent with the General Plan. Town Council previously took action on this item in December 2018 and subsequently reconsidered, so that an amended application for GP18-09 could be submitted.

The site is located within the Power Road Growth Area. Per the General Plan "The Phoenix-Mesa Gateway Airport, directly to the east, is the catalyst for development within this area. With quick transportation access to the Santan Freeway and the Power Road Corridor, the focus of this Growth Area is industrial and business park employment supported by commercial shopping centers."

The site is currently made up of a combination of Business Park, Light Industrial and Commercial land use designations. The applicant is requesting an amendment to Residential > 8-14 DU/Acre, Residential > 5-8 DU/Acre, Residential > 3.5-5 DU/Acre and Light Industrial (LI) to allow for the development of a residential master planned community.

Land Use	<b>Existing Acres</b>	<b>Proposed Acres</b>	Amount of change
Business Park	28.4	0	-28.4
Light Industrial	87.5	30.6	-56.9

Community Commercial	8.9	0	-8.9
Residential > 8-14 DU/Acre	0	18.2	+18.2
Residential > 5-8 DU/Acre	0	10.4	+10.4
Residential > 3.5-5 DU/Acre	0	65.6	+65.6
	124.8	124.8	

Since the applicant's original application that was previously reviewed by the Planning Commission and Town Council, adjustments have been made to retain 30.6 acres of Light Industrial along Warner Road. This retention of some employment land use better aligns with the goals and policies of the General Plan and the Power Road Growth Area. As such the applicant has indicated the project complies with the following General Plan policies (applicant comments in *italics*):

- Land Use Goal 1.0 Policy 1.5: Designate and protect sites for employment uses in appropriate locations to increase the Town's employment base
  - Extensive market research was conducted for market viability, the land plan extends the employment use further west along Warner Road, and approximately 700 feet deeper along the eastern edge. The industrial consultants indicated the marketing window frontage along Warner was more likely to develop and attract flex industrial users rather than along the length of the entire eastern edge where there is no visibility.
- Economic Development Goal 1.0 Policy 1.5: encourage the protection and expansion of the land (and/or densities) designated in the General Plan for employment uses.
  - The 30 acres set aside have the greatest chance of developing employment uses given its arterial frontage, closer proximity to Power Road, and it's adjacency to the employment zoning to the east. The depth of the proposed employment area also represents an optimal employment scenario and building layout that accommodates the necessary drive aisles, widths, loading areas, truck cells, building size, and parking. The site, parking and buildings have also been designed to attract large office users.
- Community Design Goal 8.0 Policy 8.1: Encourage maximum use of landscaping to buffer employment uses from adjacent non-employment uses, identify prominent areas for the display of public art and provide adequate amenity areas for employees.
  - o Increased setbacks, landscape buffers, and roadways are strategically placed to ensure the adjacent zoning is not impacted by this proposal.
- Land Use and Growth Areas Policy 1.3: Encourage residential development that allows for a diversity of housing types for all groups and is accessible to a range of income levels.
  - O Development of the interior of the Property for residential uses is compatible with the surrounding residential uses while also providing for a diversity of housing types (traditional residential, townhomes, and auto-court homes).
- Community Design Policy 1.3: Encourage residential/non-residential land use transitions that minimize negative impacts of commercial and industrial uses on adjacent residential uses.
  - This is achieved through landscape buffers and tracts, pedestrian trail systems, and roadway alignments.

## Rezoning

The applicant is requesting the removal of approximately 124.8 acres from the Rockefeller Group North Gateway PAD and rezoning the subject 124.8 acres from 87.5 acres of Light Industrial (LI), 28.4 acres of Business Park (BP), and 8.9 acres of Community Commercial (CC) to 30.6 acres of Light Industrial (LI), 18.2 acres of Single Family - Attached (SF-A), 30.0 acres of Single Family - Detached (SF-D), 19.5 acres of Single Family - 6 (SF-6) and 26.5 acres of Single Family - 7 (SF-7) zoning district, all with the new NEC Warner and Recker Roads PAD in order to develop a residential master planned community.

As part of the Planned Area Development overlay request, the applicant is proposing several deviations to the base zoning district shown in the table below:

## **Project Data Table**

Site Development Regulations	Required per LDC, Single Family – Attached	Proposed
Minimum Lot Area	2,000 sf	1,056 sf
Lot Width/Depth	None	22'/48'
Maximum Height (ft/stories)	36'/3	30'/2
Minimum Building Setbacks (ft.)		
Front	10'	10' to street/0' landscape tract
Side	0'	0'
Rear	10'	0' to property line/3' to garage
Maximum Lot Coverage (%)		
One Story	65%	100%
Two Story	55%	100%
Street Frontage Landscape:	50' x 250'	To equal or exceed 22,500
Arterial/Arterial Intersection		square feet adjacent to the
		intersection or Recker and
		Warner Roads with a
		minimum dimension of 50'

Site Development Regulations	Required per LDC, Single Family – Detached	Proposed
Lot Width/Depth	None	55'/63'
Maximum Height (ft/stories)	36'/3	30'/2
Minimum Building Setbacks (ft)		
Front	10'	20' to front facing garage
		8' to livable
Side	0' or 5'	5'/5'

Rear	10'	15'/5' to covered patio
LDC Section 2.104 B. <b>Height</b>	Limited to single story	Limited to two story
Dwelling units that back or side		
onto parcels designated on the		
General Plan as R>14–25		
DU/Acre map, or nonresidential		

Site Development Regulations	Required per LDC, Single Family – 6	Proposed
Lot Width/Depth	55'/100'	55'/115'
Minimum Building Setbacks (ft.)		
Front	20'	20' (10' living/porch/side entry garage)
Side	5' & 10'	5' & 10'
Rear	20'	20'
LDC Section 2.104 B. <b>Height</b>	Limited to single story	Limited to two story
Dwelling units that back or side		-
onto parcels designated on the		
General Plan as R>14–25		
DU/Acre map, or nonresidential		

Site Development Regulations	Required per LDC, Single Family – 7	Proposed
Lot Width/Depth	65'/100'	60'/120'
Minimum Building Setbacks (ft.)		
Front	20'	20' (10' living/porch/side
		entry garage)
Side	5' & 10'	5' & 10'
Rear	20'	20'

Site Development Regulations	Required per LDC, Light Industrial	Proposed
Minimum Required Perimeter		
Landscape Area (ft.)		
Rear	30'	20' adjacent to SF-A

When this plan was originally presented to the Planning Commission and Town Council, staff had several concerns related to the development's impact on employment opportunities within the Power Road Growth area. One of these concerns was the impact that the proposed residential would have on the required setbacks for the adjoining employment land uses to the east. As part

of the revised submittal package, the applicant has provided exhibits illustrating potential layouts for the development to the east that show increased building setbacks can be achieved with little impact to the overall site. Landscape setbacks, however, would still be increased as a result of the adjacent residential land uses proposed.

In terms of the development plan and layout itself, the project proposes a primary entrance from Recker Road. An additional access point, primarily intended for the townhome units, is also located along Recker Road. Warner Road shows three additional access points, one for the townhome units, one primary access for the light industrial development and a collector along the eastern boundary of the property that would serve both the light industrial as well as the residential. Additional points of access could be added for the light industrial; however, those shown on the development plan are only conceptual in nature and would be evaluated as part of a Design Review application as that site develops.

Central to the proposed residential development is a large community park with off-street parking as well as a thorough trail network. The eastern portion of the site is laid out in a manner that minimizes potential impacts from future adjoining employment uses through the location of streets and landscape buffering.

The subject site is located within Phoenix Mesa Gateway Airport Overflight Area (AOA) III and a portion within Part 77. As such the site is subject to additional requirements of the Land Development Code Article 3.2 Phoenix-Mesa Gateway Airport Overlay District. These requirements include, but are not limited to:

Note (1) The following fair disclosure agreement and covenant, which would include the following disclosure, shall be recorded as a condition of development approval: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the Airport now and in the future include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes."

Note (2) All final subdivision plats and public reports filed with the Arizona Department of Real Estate shall include the notice described in Note 1.

Note (3) Sales and leasing offices established for new subdivisions and residential development projects shall provide notice to all prospective buyers and lessees stating that the project is located within an Aircraft Overflight Area. Such notice shall consist of a sign at least 4-foot by 4-foot installed at the entrance to the sales or leasing office at each project. The sign shall be installed prior to commencement of sales or leases and shall not be removed until the sales office is permanently closed or leasing office no longer leases units in the project. The sign should state the disclosure in Note 1 with letters of at least one (1) inch in height.

Note (5) The developer should incorporate features into the design and construction of buildings where people live, work, or are otherwise received to achieve an outdoor-to indoor noise level reduction of 25 decibels.

Note (7) Bird Attractants a. Coordination should be taken to address and mitigate as needed the potential for bird attractants as described in Section 3.203A.

#### PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

A neighborhood meeting was held on June 13, 2019 at 6:00PM at the Southeast Regional Library. Approximately three residents attended the meeting. Attendees were primarily interested in details of the proposed project; no concerns were raised.

Staff has received no comment from the public

## **60 DAY REVIEW PERIOD**

As part of the major General Plans processing requirement, a 60 day public review period is provided to allow all referral agencies, departments and interested persons to review and provided comments on Major General Plan Amendments. The Major General Plan application has been referred to the following agencies with comments (if any) noted:

- Arizona Department of Commerce; No comments received to date
- Arizona Department of Transportation; **ADOT** is neutral on zoning and as such has no comment.
- Arizona Department of Water Resources; No comments received to date
- APS: No comments received to date
- Arizona State Parks, Historic Preservation Office; No registered historic properties and no archeology sites identified. The farmhouse complex could be considered historic if anyone wanted to consider that designation; if Site or Federal funds are used in the new construction, history of the farm complex should be explored and a quick archaeology survey completed.
- City of Chandler; No objection or concerns
- SRP; No comments received to date
- Town of Queen Creek; No comments received to date
- Gila River Indian Community; No comments received to date
- Gilbert Chamber of Commerce; No comments received to date
- Gilbert Public School District; No comments received to date
- Higley School District; No comments received to date
- Chandler School District; No comments received to date
- Maricopa County; No comments received to date

- Maricopa County Flood Control District: Property is not located in any Special Flood Hazard Zones
- Maricopa Association of Governments; No comments received to date
- Phoenix-Mesa Gateway Airport; Located with Airport Overflight Area III Site will be subject to frequent aircraft overflights and will be affected by noise.
- Pinal County; No comments received to date
- Union Pacific Railroad: No comments received to date.

#### **SCHOOL DISTRICT**

Staff has solicited feedback from the Gilbert Public School District regarding the proposed General Plan amendment and rezone request to ensure that adequate educational facilities are maintained for the neighborhood. To date, no comments have been received.

#### **PROPOSITION 207**

An agreement to "Waive Claims for Diminution in Value" pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

## PLANNING COMMISSION STUDY SESSION

At the Planning Commission Study Session on July 10, 2019 the following feedback was provided:

- There is a good balance in the deviations; though they are requesting deviations, they are also giving something in return
- Development and deviation requests seem well thought out.
- Layout seems to provide a good buffer to the light industrial.

#### PLANNING COMMISSION 1ST PUBLIC HEARING SEPTEMBER 17, 2019

At the Planning Commission Public Hearing on September 17, 2019 the following questions were asked, and feedback was provided:

- Commissioners acknowledged the changes that were made and the balance that needed to
- A Commissioner liked the multi-use feature of the parcel and felt it was applied well.
- A Commissioner asked what happens if the Light Industrial doesn't develop? The applicant responded that they might return with a rezoning.
- Commissioners wanted to know how long Lennar would wait between this rezoning and another request if the Light Industrial doesn't develop. The applicant responded that they are doing everything possible to develop as Light Industrial.
- Commissioners asked why there were so many deviations to the development standards. The applicant stated that the list looked worse than it really is. Most of the deviations affect Parcel A. In a normal world, this type of product would be in a Multi Family-Low category and would not need a deviation. The deviations requested lock in the depicted use.

- A Commissioner asked how the additional parking that was requested impacted the open space requirements. The applicant stated there were a total of 23 acres of open space. The moment you start adding off-street parking, that cuts into the landscape. We had overdesigned it with substantial landscaping to begin with. To avoid street parking on trash day, the trade-off for us was to provide that safety by putting spaces off the street to improve visibility.
- A Commissioner asked if there were any further comments from staff in regard to the deviations requested or does staff fully support what is being proposed? Staff stated at this point, they are supportive of the recommendation to move forward with this project.

#### **RECOMMENDED MOTION**

- A. Recommend to the Town Council approval of GP18-09, to change the land use classification of approx. 124.8 acres, generally located at the northeast corner of Recker and Warner Roads from 28.4 acres of Business Park (BP), 87.5 acres of Light Industrial (LI) and 8.9 acres of Community Commercial (CC) to 18.2 acres of Residential > 8-14 DU/Acre (R>8-14du/ac), 10.4 acres of Residential > 5-8 DU/Acre (R>5-8du/ac), 65.6 acres of Residential > 3.5-5 DU/Acre (R>3.5-5du/ac), and 30.6 acres of Light Industrial (LI) land use classifications; and
- B. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z18-19 rezoning approx. 124.8 acres within the Warner and Recker Planned Area Development (PAD) and generally located at the northeast corner of Recker and Warner Roads from approx. 124.8 acres from 87.5 acres of Light Industrial (LI), 28.4 acres of Business Park (BP), and 8.9 acres of Community Commercial (CC) to 30.6 acres of Light Industrial (LI), 18.2 acres of Single Family Attached (SF-A), 30.0 acres of Single Family Detached (SF-D), 19.5 acres of Single Family 6 (SF-6) and 26.5 acres of Single Family 7 (SF-7) zoning district with a Planned Area Development (PAD) overlay, subject to the following conditions:
  - a. Dedication to Gilbert for 180th Street right-of-way between Warner Road and the entrance to the Property as shown on the Development Plan shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of 180th Street shall extend 33 feet from the monument line, with additional right-of-way as necessary for turn lanes at the intersection of 180th Street and Warner Road.
  - b. Construction of off-site improvements to Warner Road, Recker Road, and 180th Street adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property or at the time requested by Gilbert, whichever is earlier. If Gilbert constructs the improvements required by this ordinance as part of its capital

improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.

- c. Prior to issuance of the first building permit or at the time of recordation of the final plat, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital improvements program. Failure by Developer to execute a Development Reimbursement and Lien Agreement may result in reversion of the zoning to the prior zoning classification. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Development Reimbursement Agreement.
- d. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- e. Developer shall create a Homeowner's Association (HOA) for residential developments, or Property Owner's Association (POA) for non-residential developments, for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way. Maintenance responsibilities for common areas and open space areas shall be as required under the Land Development Code and in accordance with the Gilbert Town Code. Any modification to the maintenance obligations shall be approved by Gilbert and specified on the approved site plan or final plat.
- f. Developer shall record easements to be owned by the HOA or POA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- g. Prior to final plat approval, Developer shall pay for its proportional share of water and sewer mains benefitting the Property, as required by the Town Engineer.

h. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Site Development	Single Family – Attached PAD
Regulations	
Min. Lot Area	1,100sf
Lot Width/Depth	22'/50'
Max Height	30'/2
(ft/stories)	
Setbacks	
Front	10' to street/0' landscape tract
Side	0'
Rear	0' to property line/3' to garage
Lot Coverage	
One Story	100%
Two Story	100%
Street Frontage	Contiguous open space adjacent to the
Landscape:	Recker and Warner Road intersection shall
Arterial/Arterial	equal or exceed 22,500 square feet, with a
Intersection	minimum depth of 50'

<b>Site Development Regulations</b>	Single Family – Detached PAD
Lot Width/Depth	55'/63'
Max Height (ft/stories)	30'/2
Setbacks	
Front	20' to front facing garage
	8' to livable
Side	5'/5'
Rear	15'/5' to covered patio
Height adjacent to parcels	Limited to two story
designated on the General Plan	
map, or nonresidential	

Site Development	Single Family – 6 PAD
Regulations	
Lot Width/Depth	55'/115'
Setbacks	
Front	20' (10' living/porch/side entry
Side	garage)
Rear	5' & 10'
	20'

Height adjacent to parcels	Limited to two story
designated on the General	
Plan map as R>14-25 DU/ac,	
or nonresidential	

Site Development Regulations	Single Family – 7 PAD
Lot Width/Depth	60'/120'
Setbacks	
Front	20' (10' living/porch/side entry garage)
Side	5' & 10'
Rear	20'

Site Development Regulations	Light Industrial PAD
Landscape Setback	
Rear	20' adjacent to SF-A

- i. The maximum number of dwelling units shall be limited to the maximum allowed under the Gilbert General Plan.
- The following fair disclosure agreement and covenant, which j. would include the following disclosure, shall be recorded as a condition of any development approval: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the Airport now and in the future include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes."
- k. All final subdivision plats and public reports filed with the Arizona Department of Real Estate should include the notice described in condition 1 above
- 1. Sales and leasing offices established for new subdivisions and residential development projects should provide notice to all prospective buyers and lessees stating that the project is located within an Aircraft Overflight Area. Such notice should consist of a sign at least 4-foot by 4-foot installed at the entrance to the sales

office or leasing office at each project. The sign should be installed prior to commencement of sales or leases and should not be removed until the sales office is permanently closed or leasing office no longer leases units in the project. The sign should state the disclosure in Condition 1 with letters of at least one (1) inch in height.

m. Where a residential garage or carport is directly accessible from an alley, easement or tract it shall have a paved apron of 3 feet in length or a driveway of 20 feet in length as measured from the edge of the alley, tract or easement. If a sidewalk exists in the alley, easement or tract, the apron or driveway shall be measured from the back of sidewalk

Respectfully submitted,

Ashlee MacDonald, AICP Senior Planner

#### **Attachments and Enclosures:**

- 1) Notice of Public Hearing (4 maps)
- 2) Aerial Photo
- 3) Land Use Exhibit
- 4) Zoning Exhibit
- 5) Development Plan color and b/w (2 pages)
- 6) Minutes from the Planning Commission 1st Public Hearing of September 17, 2019
- 7) Correspondence from Phoenix-Mesa Gateway Airport

GP18-09/Z18-19 NEC Warner and Recker Roads

Notice of Public | Attachment 1: Notice of Public Hearing (4 maps)

October 2, 2019

#### PLANNING COMMISSION DATE:

Tuesday, September 17, 2019\* TIME: 6:00 PM

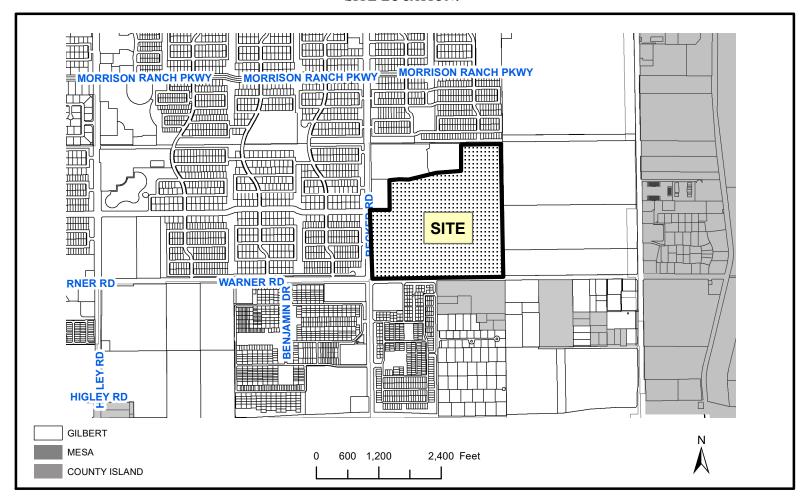
LOCATION: Southeast Regional Library Shakespeare Assembly Rood 775 N. Greenfield Road Gilbert, Arizona 85234 \* Call Planning Department to verify date and time: (480) 503-6729

\* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available prior to the meeting at https://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission

#### **REQUESTED ACTION:**

GP18-09: NEC Warner and Recker Roads - Request for Major General Plan amendment to change the land use classification of approx. 124.8 acres of real property generally located at the northeast corner of Recker and Warner Roads from 28.4 acres of Business Park (BP), 87.5 acres of Light Industrial (LI) and 8.9 acres of Community Commercial (CC) to 18.4 acres of Residential > 8-14 DU/Acre (R>8-14du/ac), 10.4 acres of Residential > 5-8 DU/Acre (R>5-8du/ac), 65.6 acres of Residential > 3.5-5 DU/Acre (R>3.5-5du/ac), and 30.4 acres of Light Industrial (LI) land use classifications.

#### **SITE LOCATION:**



APPLICANT Withey Morris, PLC

CONTACT: Adam Baugh

ADDRESS: 2525 E Arizona Biltmore Cir, Ste. A212

Phoenix, AZ 85016

# **Notice of Public Hearing**

#### **PLANNING COMMISSION DATE:**

Tuesday, September 17, 2019\* TIME: 6:00 PM

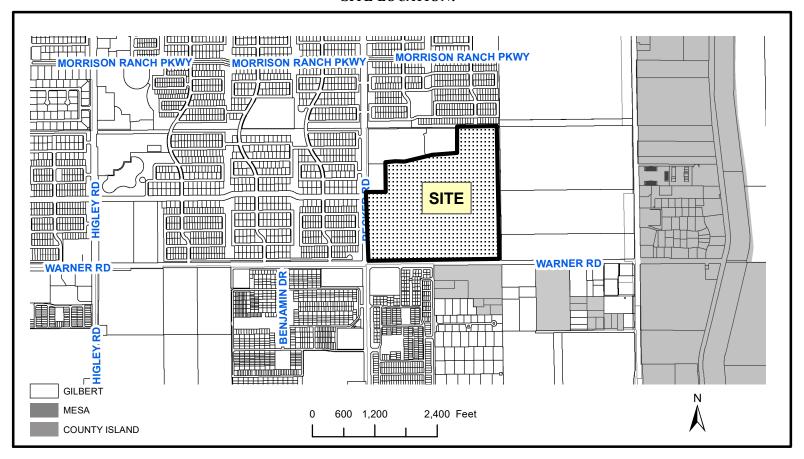
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#### SITE LOCATION:



APPLICANT Withey Morris, PLC

CONTACT: Adam Baugh

ADDRESS: 2525 E Arizona Biltmore Cir, Ste. A212

Phoenix, AZ 85016

# Notice of Public Hearing

PLANNING COMMISSION DATE: TOWN COUNCIL DATE:

Wednesday, October 2, 2019\* TIME: 6:00 PM Thursday, October 17, 2019\* TIME: 6:30 PM

LOCATION: Gilbert Municipal Center

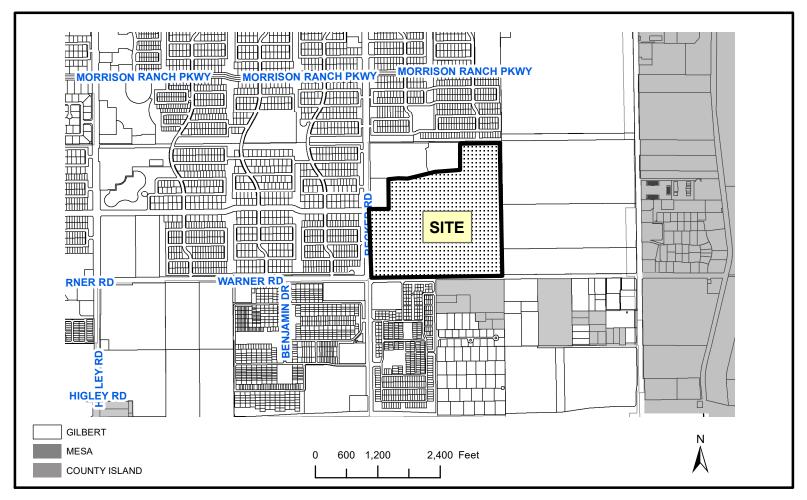
Council Chambers 50 E. Civic Center Drive Gilbert, Arizona 85296 \* Call Planning Department to verify date and time: (480) 503-6729

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#### **REQUESTED ACTION:**

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CONTACT: Adam Baugh

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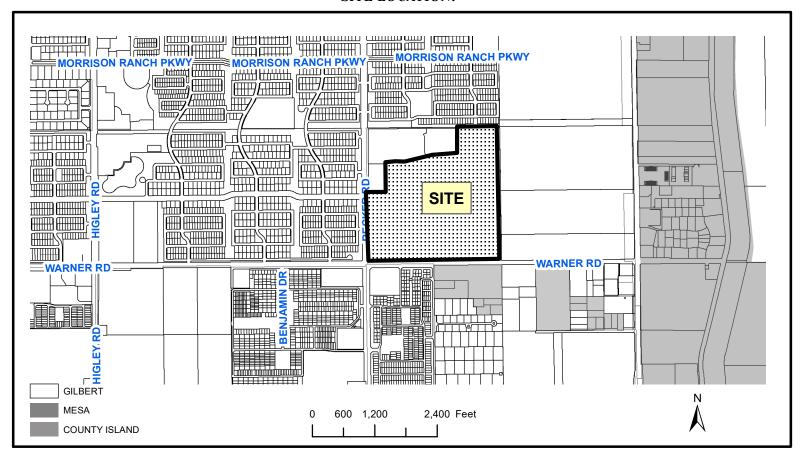
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Council Chambers 50 E. Civic Center Drive Gilbert, Arizona 85296

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#### **SITE LOCATION:**



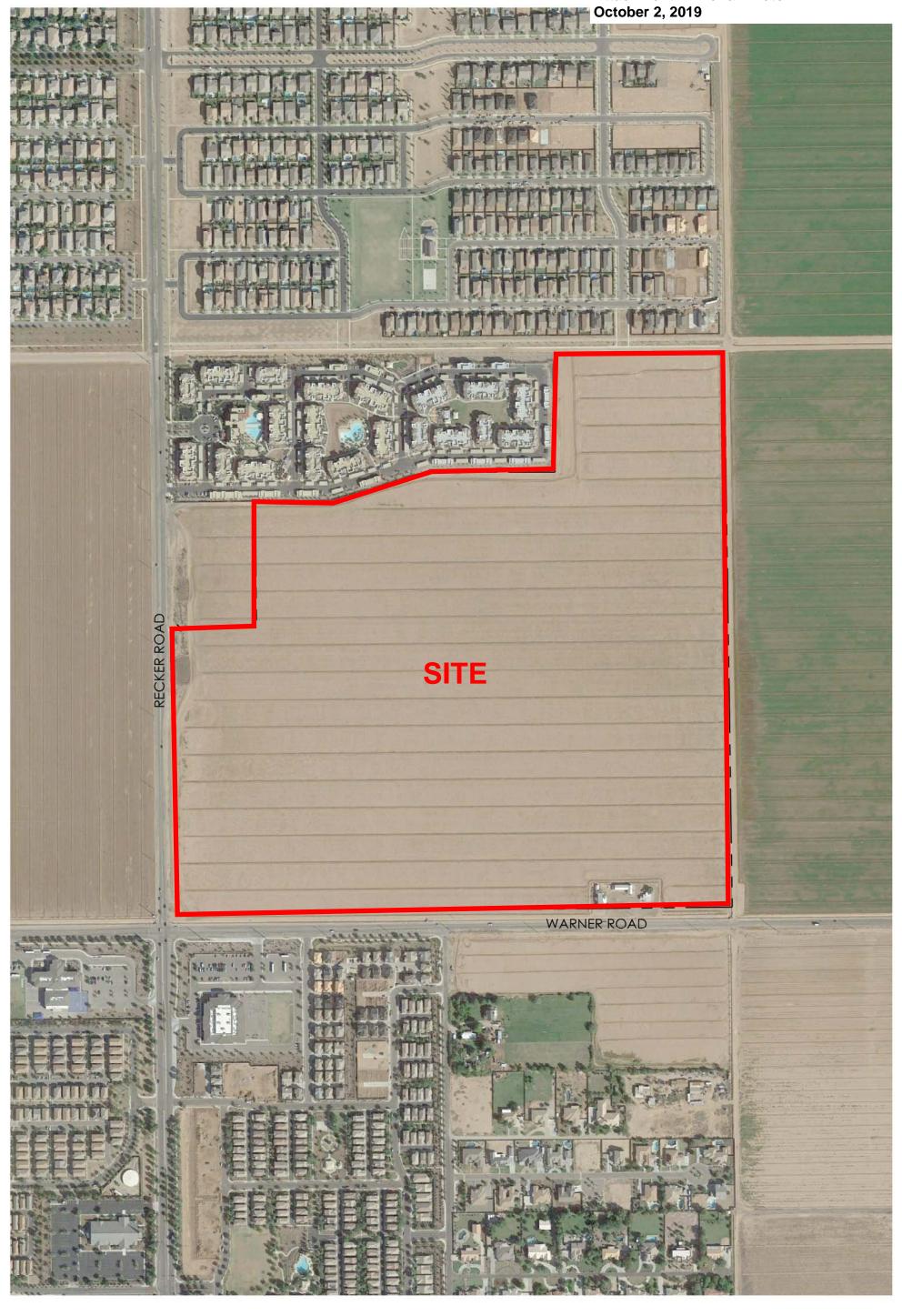
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Phoenix, AZ 85016

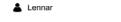
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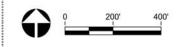


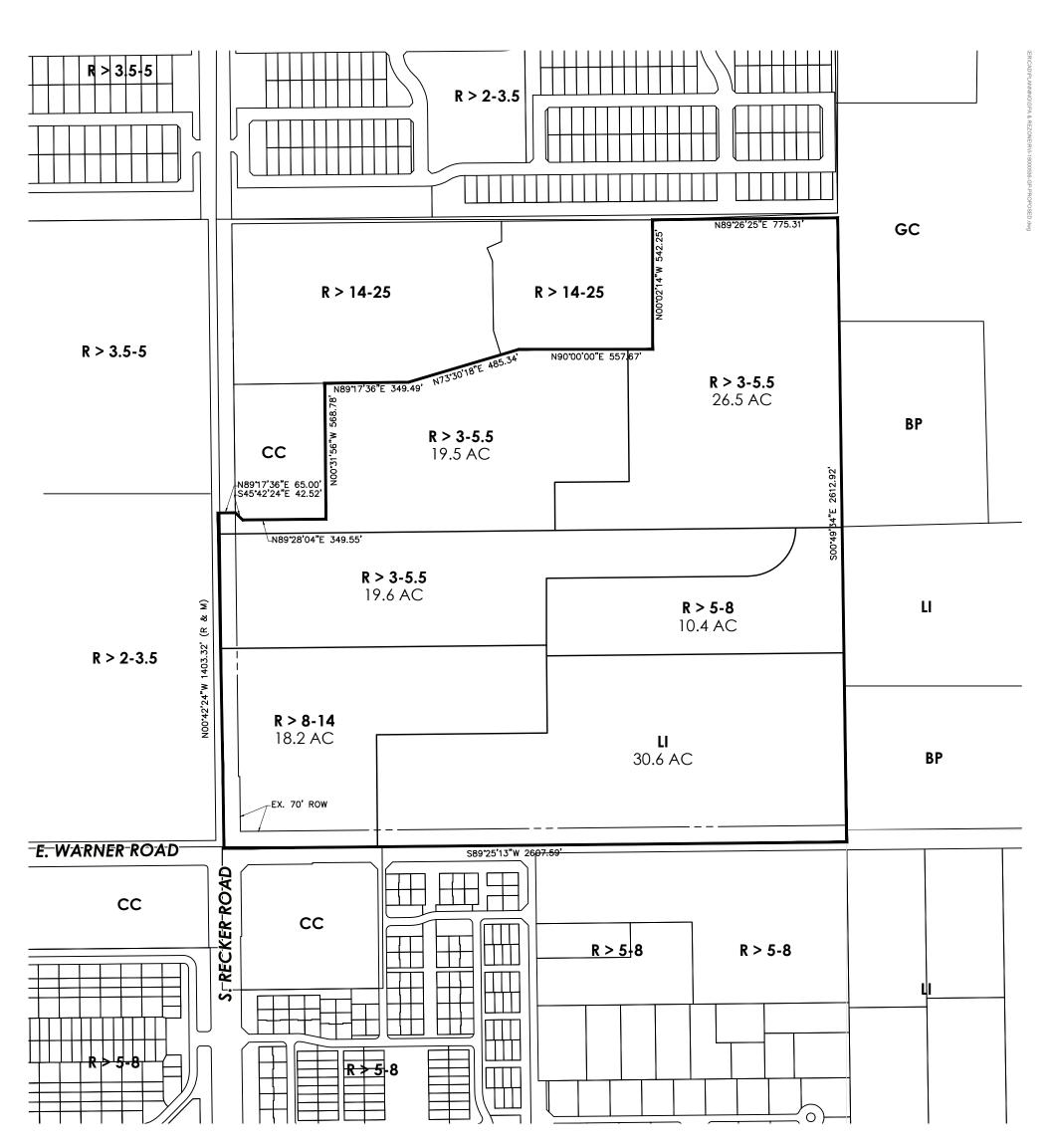


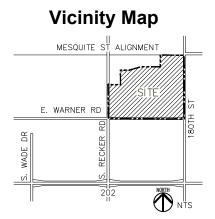
WARNER & RECKER • AERIAL MAP

- Gilbert, Arizona
- 2019-04-29
- # 0536









General Plan Data Summary										
<b>GP</b> Designation		Exis	ting			Prop	osed			
	Gro	ss	Ne	et	Gro	oss	Net			
LI	87.5 Ac.	70.1%	86.5 Ac.	72.9%	30.6 Ac.	24.5%	26.8 Ac.	22.8%		
BP	28.4 Ac.	22.8%	25.1 Ac.	21.1%	0.0 Ac.	0.0%	0.0 Ac.	0.0%		
СС	8.9 Ac.	7.1%	7.1 Ac.	6.0%	0.0 Ac.	0.0%	0.0 Ac.	0.0%		
R>8-14	0.0 Ac.	0.0%	0.0 Ac.	0.0%	18.2 Ac.	14.6%	16.0 Ac.	13.6%		
R>5-8	0.0 Ac.	0.0%	0.0 Ac.	0.0%	10.4 Ac.	8.3%	9.9 Ac.	8.4%		
R>3.5-5	0.0 Ac.	0.0%	0.0 Ac.	0.0%	65.6 Ac.	52.6%	64.8 Ac.	55.2%		
Totals	124.8 Ac.	100.0%	118.7 Ac.	100.0%	124.8 Ac.	100.0%	117.5 Ac.	100.0%		



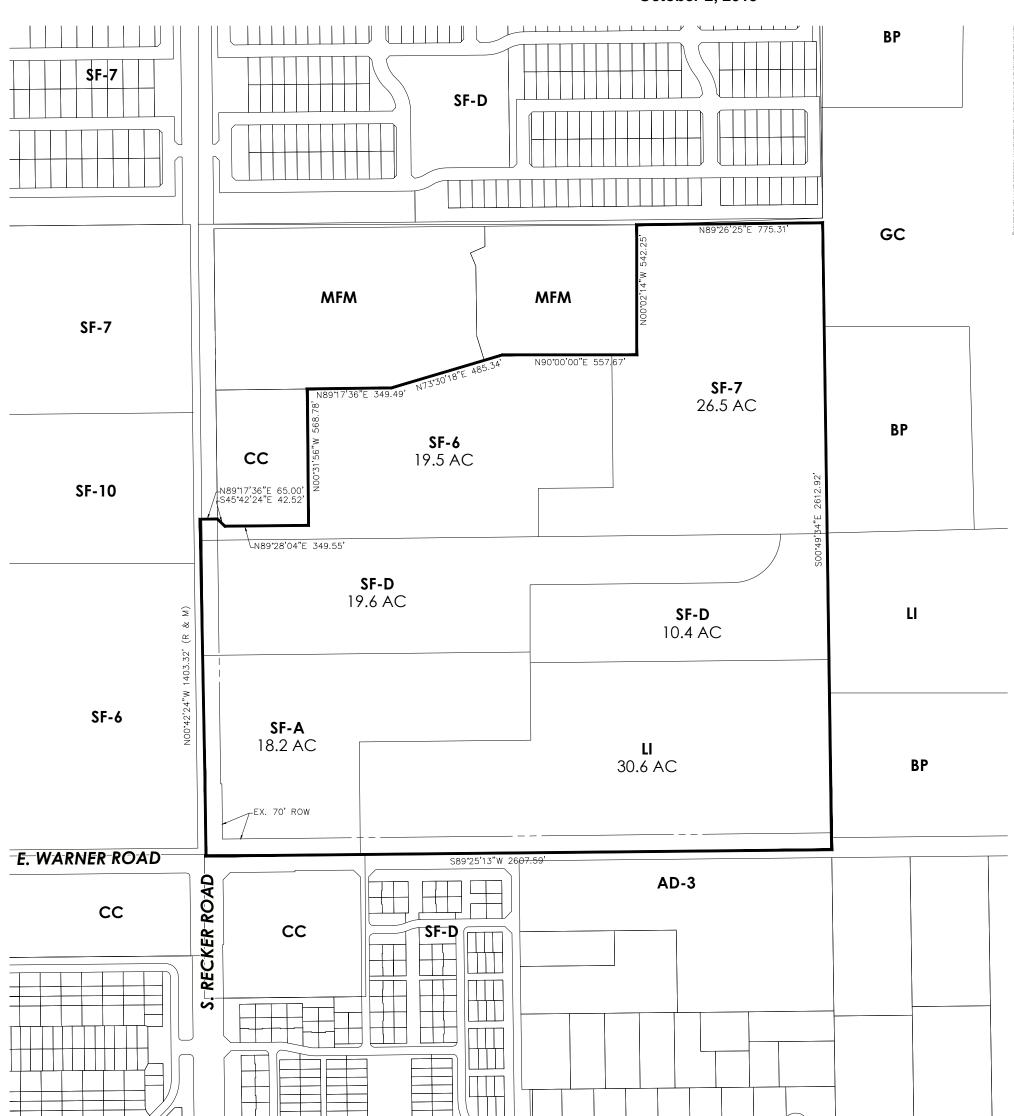
# WARNER & RECKER • MAJOR GENERAL PLAN AMENDMENT EXHIBIT

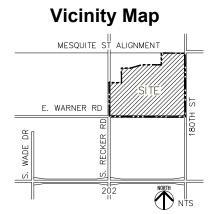
GILBERT, ARIZONA 2019-09-25

# 18000536

LENNAR







	Zoning Plan Data Summary											
	Designation			Exis	ting	Proposed						
Zoning	General Plan	Parcel	Gro	oss	N	et	Gro	oss	Units	Units Density Net		
LI	LI	F	87.5 Ac.	70.1%	86.5 Ac.	72.9%	30.6 Ac.	24.5%			26.8 Ac.	22.8%
BP	ВР		28.4 Ac.	22.8%	25.1 Ac.	21.1%						
CC	CC		8.9 Ac.	7.1%	7.1 Ac.	6.0%						
SF-A	R>8-14	Α					18.2 Ac.	14.6%	174	9.6 DU/Ac.	16.0 Ac.	13.6%
SF-D	R>5-8	В					10.4 Ac.	8.3%	75	7.2 DU/Ac.	9.9 Ac.	8.4%
SF-D	R>3.5-5	E					19.6 Ac.	15.7%	81		18.9 Ac.	16.1%
SF-6	R>3.5-5	С					19.5 Ac.	15.6%	71	3.6 DU/Ac.	19.4 Ac.	16.5%
SF-7	R>3.5-5	D					26.5 Ac.	21.3%	86		26.5 Ac.	22.6%
Totals			124.8 Ac.	100.0%	118.7 Ac.	100.0%	124.8 Ac.	100.0%	487		117.5 Ac.	100.0%



# WARNER & RECKER • ZONING EXHIBIT

GILBERT, ARIZONA 2019-09-25

# 18000536

LENNAR





# Site Data Table

Parcel	Use	Proposed Zoning	Gross A	Area	Net Area	Un	its	Gross Density	Net Density
Α	Row Townhomes	SF-A	18.2 Ac.	14.6%	16.0 Ac.	174	35.7%	9.6 DU/Ac.	10.9 DU/Ac.
В	Motor Court	SF-D	10.4 Ac.	8.3%	9.9 Ac.	75	15.4%	7.2 DU/Ac.	7.6 DU/Ac.
С	55' x 115'	SF-6	19.5 Ac.	15.6%	19.4 Ac.	71	14.6%	3.6 DU/Ac.	3.7 DU/Ac.
D	60' x 120'	SF-7	26.5 Ac.	21.2%	26.5 Ac.	86	17.7%	3.2 DU/Ac.	3.2 DU/Ac.
E	45' x 115'	SF-D	19.6 Ac.	15.7%	18.9 Ac.	81	16.6%	4.1 DU/Ac.	4.3 DU/Ac.
	Residential Totals		94.2 Ac.	75.4%	90.7 Ac.	487	100.0%	5.2 DU/Ac.	5.4 DU/Ac.
F	Light Industrial	LI	30.6 Ac.	24.6%	26.8 Ac.				
	ROW - Misc		0.0 Ac.		7.3 Ac.				
	Total		124.8 Ac.	100.0%	124.8 Ac.				

#### **PAD Table**

Min. Lot Area	2,000	1,056	3,000	3,000	6,000	6,000	7,000	7,000	N/A
Min. Lot Dimensions Width Depth	None	22' 48'	None	55' 63'	55' 100'	55' 115'	65' 100'	60' 120'	N/A
Max. Height	36'/3 stories	301/2 stories	36'/3 stories	301/2 stories	30'/2 stories	301/2 stories	301/2 stories	301/2 stories	Per LDC
Building Setbacks Front	10'	10' to street; 0' to landscape tract	10'	20' to front facing garage; 8' to living	20'	20' (10' living/porch/side facing garage)	20'	20' (10' living/porch/side facing garage)	Per LDC
Side	0,	0'	0' or 5'	5' / 5'	5' & 10'	5' & 10'	5' & 10'	5' & 10'	
Rear	10'	0' to Property line	10'	15' (5' to covered patio)	20'	20'	20'	20'	
Lot Coverage One story / Two story	65% / 55%	100%	60% / 50%	60% / 50%	45% / 40%	45% / 40%	45% / 40%	45% / 40%	Per LDC
Landscape Setback	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Per LDC (except that rear setback 20' next t

# Legend



Pocket Park



**Neighborhood Amenity** 



Community Icon



# **Vicinity Map**



# **Project Data Table**

Project Data Table							
Parcel Numbers:	304-18-009A						
	304-18-010A						
	304-18-012B						
	304-18-011F						
Project Area (Gross to CL)	124.8 AC. (5,436,288 SF)						
Project Area (Net)	117.5 AC. (5,118,300 SF)						
Number of Proposed Lots	487						
Gross Density	5.2 DU/AC.						
Open Space	+/- 23 AC. (1,022,353 SF) (20%)						
General Plan Land Use Classification	LI; R > 3-5.5; R > 5-8; R > 8-14						
Current Zone	LI; BP; CC						
Proposed Zone	LI; SF-A; SF-D; SF-6; SF-7						



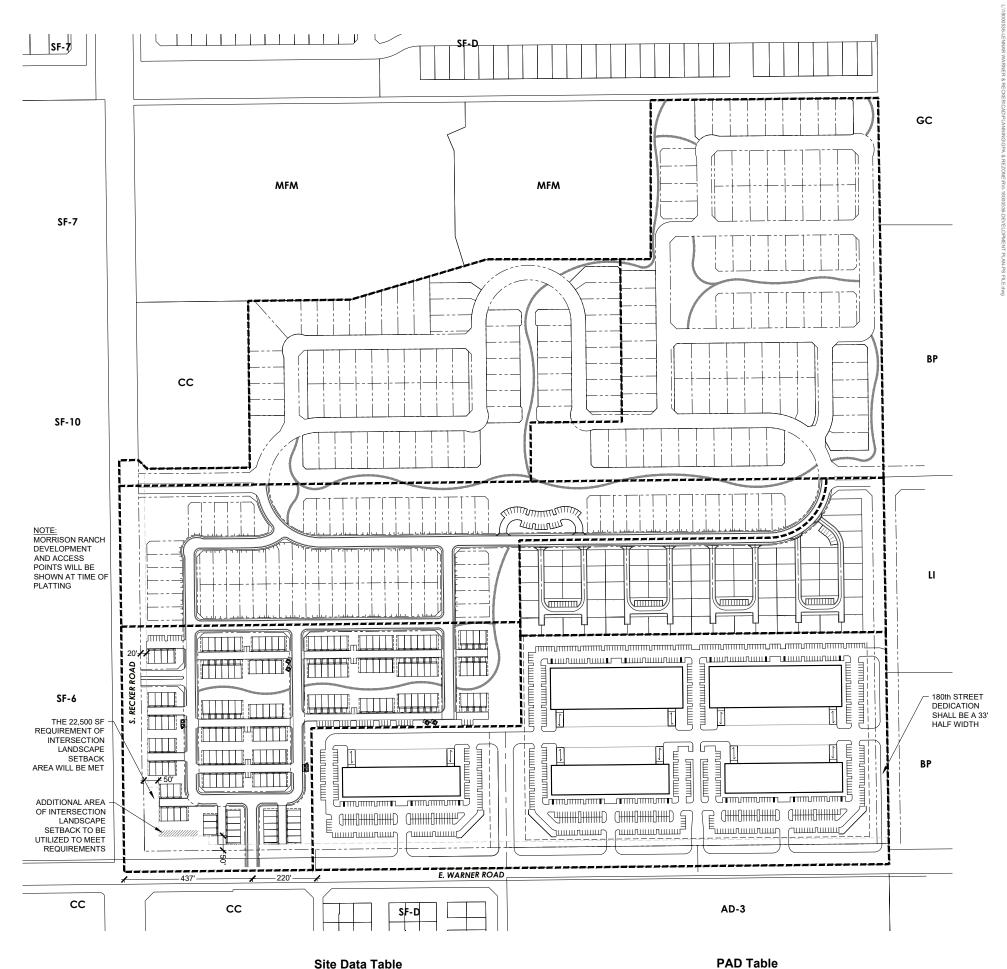
WARNER & RECKER • DEVELOPMENT PLAN



# 18000536

▲ LENNAR





#### Site Data Table Gross Parcel Use Gross Area Net Area Units Net Density Density Zoning Row Townhomes 18.2 Ac. 14.6% 16.0 Ac. 174 35.7% 9.6 DU/Ac 10.9 DU/Ac Motor Court 55' x 115' 60' x 120' 8.3% 9.9 Ac. 15.6% 19.4 Ac. 21.2% 26.5 Ac. 75 15.4% 7.2 DU/Ac. 71 14.6% 3.6 DU/Ac. 86 17.7% 3.2 DU/Ac. 26.5 Ac. 3.2 DU/Ac 45' x 115' 19.6 Ac 18.9 Ac 4.1 DU/Ac 4.3 DU/Ac Residential Totals 487 100.0% 5.2 DU/A 94.2 Ac. 75.4% 90.7 Ac. 5.4 DU/Ac Light Industrial ROW - Misc 24.6% 26.8 Ac 124.8 Ac

	SF-A	SF-A PAD	SF-D	SF-D PAD	SF6	SF-6 PAD	SF-7	SF-7 PAD	LI
Min. Lot Area	2,000	1,056	3,000	3,000	6,000	6,000	7,000	7,000	N/A
Min. Lot Dimensions Width Depth	None	22' 48'	None	55' 63'	55' 100'	55' 115'	65' 100'	60' 120'	N/A
Max. Height	36'/3 stories	30'/2 stories	36'/3 stories	301/2 stories	30'/2 stories	301/2 stories	30'/2 stories	30'/2 stories	Per LDC
Building Setbacks Front	10'	10' to street; 0' to landscape tract	10'	20' to front facing garage; 8' to living	20'	20' (10' living/porch/side facing garage)	20'	20' (10' living/porch/side facing garage)	Per LDC
Side	0,	0'	0' or 5'	5' / 5'	5' & 10'	5' & 10'	5' & 10'	5' & 10'	
Rear	10'	0' to Property line	10'	15' (5' to covered patio)	20'	20'	20'	20'	
Lot Coverage One story / Two story	65% / 55%	100%	60% / 50%	60% / 50%	45% / 40%	45% / 40%	45% / 40%	45% / 40%	Per LDC
Landscape Setback	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Per LDC (except that rear setback 20' next to

# **Vicinity Map** MESQUITE ST ALIGNMENT E. WARNER RD

Project Data Table		
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	304-18-012B	
	304-18-011F	
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Open Space	+/- 23 AC. (1,022,353 SF) (20%)	
General Plan Land Use Classification	LI; R > 3-5.5; R > 5-8; R > 8-14	
Current Zone	LI; BP; CC	
Proposed Zone	LI; SF-A; SF-D; SF-6; SF-7	



# WARNER & RECKER • DEVELOPMENT PLAN

- GILBERT, ARIZONA
- 2019-09-25
- # 18000536 LENNAR



# GP18-09/Z18-19 NEC Warner and Recker Roads Attachment 6: Planning Commission 1st Public Hearing Draft Meeting Minutes

October 2, 2019 TOWN OF GIடங்கப

# PLANNING COMMISSION - SPECIAL MEETING

Southeast Regional Library Shakespeare Assembly Room 775 N. Greenfield Road, Gilbert, AZ September 17, 2019

COMMISSION PRESENT: STAFF PRESENT:

Brian Andersen, Chair Amy Temes, Senior Planner

David Cavenee Eva Cutro, Planning Division Manager
Greg Froehlich Nancy Davidson, Assistant Town Attorney

Brian Johns

Les Smith ALSO PRESENT:

Philip Alibrandi, Alternate Adam Baugh, Withey Morris

Todd Skoro, Lennar, VP of Project Management

Ed Grant, Recker and Warner LLC

**COMMISSION ABSENT:** Carl Bloomfield, Vice Chair

James Torgeson, Alternate

RECORDER:

COUNCIL LIAISON PRESENT: Dana Desing

Brigette Peterson

#### CALL TO ORDER OF REGULAR MEETING

Chair Brian Andersen called the Special Meeting of the Planning Commission to order at 6:04 p.m.

#### **PLEDGE**

Chair Andersen led the Pledge of Allegiance

#### ROLL CALL

Recording Secretary Dana Desing called roll and determined that a quorum was present.

#### 1. Approval of Agenda:

Chair Anderson called for a motion to approve the agenda, consisting of one item.

MOTION: Commissioner Cavenee moved to approve the Agenda; seconded by Commissioner Froehlich.

Motion passed 6-0.

#### **COMMUNICATIONS**

#### 2. Communication from Citizens:

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Commission/Board response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

There were no requests to speak.

#### **PUBLIC HEARING (NON-CONSENT)**

Non-Consent Public Hearing items will be heard at an individual public hearing and will be acted upon by the Commission by a separate motion. During the Public Hearings, anyone wishing to comment in support of or in opposition to a Public Hearing item may do so. If you wish to comment on a Public Hearing Item you must fill out a public comment form, indicating the Item Number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Commission.

Chair Andersen opened the Public Hearing and invited staff to make a presentation.

3. GP18-09 NEC WARNER AND RECKER ROADS: Request for Major General Plan amendment to change the land use classification of approx. 124.8 acres of real property generally located at the northeast corner of Recker and Warner Roads from 28.4 acres of Business Park (BP), 87.5 acres of Light Industrial (LI) and 8.9 acres of Community Commercial (CC) to 18.2 acres of Residential > 8-14 DU/Acre (R>8-14du/ac), 10.4 acres of Residential > 5-8 DU/Acre (R>58du/ac), 65.6 acres of Residential > 3.5-5 DU/Acre (R>3.5-5du/ac), and 30.6 acres of Light Industrial (LI) land use classifications.

**Z18-19 NEC WARNER AND RECKER ROADS:** Request to amend Ordinance Nos. 2261, 2378, and 2448 pertaining to the Rockefeller Group North Gateway Planned Area Development overlay zoning district (PAD) generally located at the northeast corner or Recker and Warner Roads by removing from the PAD approx. 124.8 acres of real property consisting of 87.5 acres of Light Industrial (LI), 28.4 acres of Business Park (BP), and 8.9 acres of Community Commercial (CC) zoning districts; creating the NEC Warner and Recker Roads PAD, approving a new development plan for the NEC Warner and Recker Roads PAD; and changing the zoning classification of said real property from 87.5 acres of LI, 28.4 acres of BP, and 8.9 acres of CC, all with a PAD to 30.6 acres of Light Industrial (LI), 18.2 acres of Single Family - Attached (SF-A), 30.0 acres of Single Family - Detached (SF-D), 19.5 acres of Single Family – 6 (SF-6) and 26.5 acres of Single Family – 7 (SF-7) zoning district, all with the new NEC Warner and Recker Roads PAD, as shown on the map available for viewing in the Planning Services Division; and to modify the development regulations as follows: reducing the minimum lot area in the SF-A zoning district, establishing minimum lot dimensions in the SF-A and SF-D zoning districts, increasing minimum lot depths in the SF-6 and SF-7 zoning districts, reducing minimum lot width in the SF-7 zoning district, reducing maximum heights in the SF-A, SF-D, SF-6 and SF-7 zoning districts, reducing front and rear setbacks in the SF-A and SF-D zoning districts, Increasing side setbacks in the SF-D zoning district, Reducing front setback in the SF-6 and SF-7 zoning districts, increasing lot coverage in the SF-A zoning district, reducing the rear setback in LI where adjacent to SF-A, allowing 2-story homes to back to land designated as R>14-25 du/ac and LI, and a reduction in the arterial intersection landscape setback along Recker Road. Amy Temes (480) 503-6729.

Senior Planner Amy Temes was standing in for Ashlee MacDonald for this meeting. This request is for a General Plan Amendment and rezoning at the northeast corner of Recker and Warner Roads. This item was brought to the Planning Commission and Town Council last winter, and Council had referred the item back to the Planning Commission for reconsideration. After a considerable amount of work with the applicant, the item was brought to the Planning Commission in July of 2019 for a study session. This is the first of two required public hearings for a major General Plan Amendment. The second public hearing is scheduled for October 2, 2019, at which time the Planning Commission will make their recommendation to Town Council.

The site is 124.8 acres at the northeast corner of Warner and Recker Road. The site is currently vacant. The surrounding uses include residential with Morrison Ranch to the west and north, General Commercial, Business Park and Light Industrial is planned to the east per the General Plan and is currently vacant, and infill

development has been happening to the south with a police station, and charter school, and there is interest from a home builder.

Maps were reviewed showing the existing and proposed General Plan designations. There is an existing church as well as multi-family adjacent to this parcel. The request is for 30.6 acres of Light Industrial and varying densities of residential from 8-14 to 3.5-5 DU/Acre. The same acreages are being requested for the proposed rezoning with Single Family-Attached (SF-A), two parcels of Single-Family-Detached (SF-D), Single Family-6 (SF-6) and Single Family-7 (SF-7) anchored by the Light Industrial along Warner Road to the east and southeast.

As part of the proposed Planned Area Development (PAD), several deviations are being requested. Under the FAA zoning, the applicant is reducing the lot size from 2,000 SF to 1,056 SF for the attached units. The reason there is 100% lot coverage is because the attached product has shared common open space and no real private yard. The building has a cantilever over the driveway apron, which by code needs to be either a 3-foot minimum or 20 feet, there is no in between. In order to have the cantilever, they need a zero setback. Lot dimensions are specified so that there will be a comfort level with the minimums and this will be limited to 2-story versus the allowed 3-story. The street frontage landscape requirement of 50 by 250 on both arterials would total 22,500 SF. An amendment is being requested to allow the total open space at the intersections to be equal to or greater than 22,500 SF. Staff would be agreeable to morphing a little from a rectangle shape, and there have been a number of amendments recently that have adjusted these areas. The standing rule is that it must meet or exceed the intent of the 50 by 250 requirement. Staff believes it may be 50 by 220 and 50 by 280 when it is platted out, although we want to allow some flexibility. Staff would agree to list that as a square footage requirement rather than an actual dimensional requirement.

Under the SF-D, Parcel B and E, lot dimensions are being specified for comfort level with requests to limit it to 2-story, 20' to front facing garage (which is standard for a driveway), 8' to livable, 5'/5" side (where SF-D allows 0' and 5'), 5' to covered patio, and 15' rear yard setback. These requests are based on a specific product and staff has reviewed the product along with the application. With the SF-6, lot dimensions are being specified, limited to 2-story, 10' to livable, porch or side entry garage, and 20' front setback. There are PADs around town with very similar setbacks. The SF-7 lot dimensions are being specified for comfort level, with 20' to the front facing garage and 10' to livable, porch, or side entry garage.

The applicant is proposing a 20' buffer between Light Industrial and residential. That is being reduced because on the other side there is landscaping, parking and a road to provide additional buffers on the residential side. The Light Industrial is concept only and some of the buildings and parking may change a little. There is some flexibility in the future with what happens with the LI, although the residential pattern is being locked in. Staff has reviewed the residential component as to parking on the street, trash pickup, and other factors that may be issues with the preliminary plat to make sure there are no conflicts in the future.

This item is being presented for input only as the first of two public hearings. Staff would welcome Commission comments or questions on the overall development plan, General Plan Amendment, rezoning, or the deviations requested. This item will come back for a second public hearing on October 2 and will go to Town Council on October 17, 2019 with a recommendation from the Planning Commission. The applicant was in attendance to provide a presentation and answer any questions.

Chair Andersen asked for further details as to why this item was coming back before the Commission.

Ms. Temes clarified that there was some concern from Council about the lack of Light Industrial and there being no employment left on this huge section of land. There were comments from Councilmembers and staff that there should still be some LI here. As a result, the Commercial was removed from the corner and LI was added to get some employment back in.

Chair Andersen invited the applicant to make a presentation.

#### APPLICANT PRESENTATION

Adam Baugh, Withey Morris, PLC, Attorney representing the applicant, noted there were some lessons learned with the first submittal as well as some instruction and direction to properly land this case. He provided a layout of the General Plan from 2009 showing that the north half of site was zoned residential 5-8 DU/Acre with some Business Park on the south. The number of residential lots in the current submittal is still less than the amount of residential lots there could have been back in 2009. The prior owner of the property brought an Industrial plan with a Business Park component and a plan was approved. For the past 10 years, they were not able to find a user willing to develop within the constraints of that prior plan.

Last year, the Applicant brought a proposal based on the whole site going to residential. This Commission was in full support of that plan, although Council initially denied it and then reconsidered. He appreciated that consideration, as it allowed the applicant to conduct additional community building and stakeholder meetings with residents and the Chamber of Commerce. Town staff was instrumental in helping to put together the outlines of the plan we have today.

The requested change in the zoning category is about right sizing to what is appropriate for this site. There are some key factors to consider. Recker Road is a street with a residential character—it is not an employment or commercial corridor. The 202 Freeway is just south of this property, yet there is no direct access. There is a competitive disadvantage related to Opportunity Zones close to the site. There is significant residential on three sides with a key component to the Town, Morrison Ranch. We are one mile removed from Power Road and the Power Road Growth Area. Mr. Baugh reviewed each of these components in detail.

RECKER ROAD – Recker Road is primarily residential, it is much narrower than other arterials streets in the Town, and has a different character and feel. At one point, all the corners at the intersections were zoned Commercial. Over time, those areas were rezoned to residential with the Morrison Ranch development. The area south of Warner Road was developed with the Charter School. Little by little, those commercial corners have been picked off. It is just the pattern of the area. Recker is similar to Lindsay Road, which also has not developed with a commercial or employment category, even though it is an arterial. Recker Road dead ends at Pecos to the south and Baseline to the north. Users, shoppers, and developers choose more highly trafficked areas. Mr. Baugh described Recker as a school corridor as there are 8 schools between Baseline and Pecos Roads. There is only one commercial corner that has been successful at Guadalupe Road. Cooley Station plans to bring commercial on two corners and the intensity of the commercial that is planned and actively moving forward will be enough to absorb what is already planned along that road.

LACK OF FREEWAY ACCESS – There is no direct access from Recker Road even though the 202 Freeway is just to the south. That is a hurdle for developers. The site is 1.5 miles to the closest Freeway access.

OPPORTUNITY ZONES – These zones were created by the government in 2017 as a chance to create jobs and provide a tax incentive. Opportunity Zone properties must be held for 10 years, although capital gains tax can be waived providing up to 25% in cost savings. The Town's Opportunity Zone is in the Heritage Square. Mesa's Opportunity Zone is right across Power Road. It is hard to compete with a property right across the street that can attract users at a cheaper value as it can be offset with tax savings through the Opportunity Zone. That is a rather large consideration for this site.

RESIDENTIAL – There is residential on three sides of the site showing a pattern and a need to be compatible with that use.

POWER ROAD GROWTH AREA – The area west of Power Road is called the 180th Street alignment. Our site is a bit of an anomaly compared to the rest. There is amazing opportunity with that corridor and an industrial property next to it. It seems logical to include this site in that growth area. The prior owner had asked to rezone this property to industrial.

The prior site plan was commercial and residential, and it was a good land plan for anywhere else in the Town. The main concern from Council and staff was the loss of employment and office. There was also concern about

any impact that this residential will have on future development of the vacant land to the east, which is designated for Employment and Business Park. Council and staff were also looking for character, uniqueness, and connectivity with the surrounding areas. The applicant took those key considerations and started to build relationships with Town staff and the Chamber to work through those minor details and address Council's concerns.

The stakeholder feedback included a variety of concerns on both the industrial and residential components of the plan. The applicant met with industrial developers and designers to figure out a realistic land pattern for industrial as well as the potential for office. Through that process it was determined that we needed to make the industrial wider and deeper and to overpark to accommodate office. The current industrial parcel is 792' by 1965' to allow approximately 250,000 SF of building space. If there is no call for office, the parking requirement would be less and there could be more square feet. The truck movements will be internalized, so they are not backing up to residents, the driveways have been coordinated with the roads across the street and future alignments, and landscape buffers have been added. The site layout is layered from greater density to less density. The applicant worked with a consultant on modeling to understand the relationship between the buildings, parking spaces, loading zones, and landscaping in order to provide 75' between Light Industrial and Residential. Pathways and trail connections lead from all sides to the central park area. Staff requested that the off-street parking not stack up on the road impacting trash pickup. A parking plan was developed that will provide all the guest parking required by code and take vehicles off the street on trash and recycle pick up days.

Lennar strives to create something special through their product and developed NextGen, or a home within a home. These products are designed with an independent living space within the home with a separate doorway to provide multigenerational living options to accommodate elderly parents or adult children. Lennar also provides fully automated residential plans. Warner Meadows recognizes the agrarian character of the area and is designed with a refined rustic feel interconnected through trails to an activated central park. In order to create something that is unique and identifiable, the plan includes common open space, recreation areas for young and old, and pool and fitness areas to provide active and recreational amenities where neighbors can relax and interact. The dramatic entry features were designed to catch the eye and create a dynamic identity leading to a central open boulevard.

The Power Road Growth Area, although purposeful, is without distinction. Mr. Baugh believes this proposal is the solution by setting aside 30.6 acres in an area most likely to develop along the Warner Road frontage. The industrial users, designers, and brokers need window frontage, and providing that along Warner Road makes it far more likely to develop than if it were on the eastern side. Placing industrial in this area almost commits the land to the east to follow suit.

In summary, this plan provides 30 acres of employment in an area most likely to develop and a frontage most likely to reach the arterial of the freeway interchange. It is right sized to fit the character of the surrounding uses and creates a unique community not normally seen in Gilbert. Recker Road is really a residential neighborhood and character with a school emphasis. This plan does not change the nature of Recker Road, but it does promote the future of Warner Road and more importantly, provides a missing link to Power Road. This plan does support the goals and policies of the Power Road Growth Area and the General Plan.

## QUESTIONS/COMMENTS FROM THE COMMISSION:

Commissioner Les Smith liked the multi-use feature of the parcel and felt it was applied well. He was curious as to how the applicant saw this developing and where that was expected to begin.

Mr. Baugh felt the problem they have in Gilbert is that they are a victim of their own success. At some point, Gilbert will become no longer affordable. Even our police officers find it hard to own a home in Gilbert. This community has single-family attached town homes, motor court units, and graduated single-family homes. Those options allow people to buy in Gilbert and over time invest and move up. As far as what development will come first, he referred to a Lennar representative.

Todd Skoro, Vice President of Land Project Management with Lennar, stated in terms of phasing, they would basically create all of the residential, attached and detached, as a single phase. All five product lines will be sold concurrently. The Light Industrial will come along as the market dictates.

Chair Andersen noted that this has been zoned Light Industrial for many years and the market really has not dictated to develop that yet. What if that does not change?

Mr. Baugh stated if the market doesn't change, they will be back in front of the Planning Commission with another request. He does not intend for that to happen.

Commissioner Froehlich asked how long the industrial would be given the chance to grow and develop.

Mr. Baugh noted that the difference between last year and this year is actually laying out a conceptual plan and having people to help market that. That has given a lot more teeth to something that is not just conceptual but purposeful and intended. He referred to the ownership for further details.

Ed Grant, Recker and Warner LLC, property owner, advised that they have solicited significant input from industrial brokers that are very eager to be able to sell this and there will be a very meaningful endeavor to try and make that happen.

Commissioner Cavenee felt the presentation was a great pitch. He heard a few severe challenges as well as positives. He understood the balance and appreciated the dedications and the employment opportunity. He agreed that it would develop as they are able to test the market. He asked for the rationale behind the variance requests.

Mr. Baugh stated it looks heavier than it really is. In reality, most of the deviations affect Parcel A. In a normal world, this type of product would be in a Multi Family-Low category and would not need a deviation. The reason why we are requesting SF-A was to avoid the opportunity of someone coming in and doing multi-family if it is zoned as such. There is a sensitivity to that. The deviations are to build the townhome product, which is the exact same townhome product at Williams Field and Recker, although they are zoned MF-L and we are SF-A. In the Single Family-Detached, we comply with the building setback of 15 feet, although the proposed deviation is for the patio overhang to encroach closer to the property line. Regarding the SF-7, the proposed deviation is to reduce the width of the lot, but in exchange we increased the depth of the lot. Mr. Baugh advised that there can be 2-story in any of the product, although next to non-residential or apartment uses it is supposed to be single story. We are asking for a deviation because there is covered parking and the units are actually 100' or so away from residential. Having 2-story here meets the same intent of the Code, which was to not have apartments looking into the back yards of residential. It was a reasonable request and staff was supportive.

A deviation is being requested for a reduced landscape setback, although if one side is decreased, the other side will be increased in order to have the same total square footage. A 20' landscape setback is being requested instead of 30' because on the other side of the wall, staff asked for more off-street parking and landscaping. Collectively, we have 69 feet, but there is a boundary line that cuts down the middle.

Commissioner Froehlich asked how the additional parking that was requested impacted the open space requirements.

Mr. Baugh stated there were a total of 23 acres of open space. The moment you start adding off-street parking, that will cut into the landscape. We had overdesigned it with substantial landscaping to begin with. To avoid street parking on trash day, the trade-off for us was to provide that safety by putting spaces off the street to improve visibility.

Commissioner Cavenee asked if there were any further comments from staff in regard to the deviations requested or does staff fully support what is being proposed?

Ms. Temes stated at this point, staff is supportive of the recommendation to move forward with this project.

There were no further comments from the Commission and there were no comments or questions from the public. Chair Andersen closed the public hearing.

The second public hearing on this item is scheduled for the October 2, 2019 Planning Commission meeting.

#### **ADMINISTRATIVE ITEMS**

4. Thank you to outgoing Planning Commissioners Greg Froehlich and Brian Johns, and Alternate James Torgeson.

Chair Andersen noted this will be the last Planning Commission hearing for Commissioner Greg Froehlich, Commissioner Brian Johns and Alternate James Torgeson, who was absent tonight. He has known Commissioners Johns and Froehlich for quite some time and served with them on the Design Review Board. It has been a pleasure working with them. On behalf of the Commission, Chair Andersen thanked them for the time, effort, and knowledge they put into the Town.

Councilmember Peterson thanked Commissioners Froehlich and Johns, and Alternate Torgeson, for their time on the Commission and hoped to see them doing other great things within our Town. She noted that if the circumstances were different, Brian Johns would have reapplied to the Commission. Councilmember Peterson presented Commissioners Froehlich and Johns with gifts of appreciation on behalf of the Town.

#### **ADJOURNMENT**

Brian Andersen, Chairman	_	
ATTEST:		
Dana Desing, Recording Secretary		

Chair Andersen adjourned the Special Meeting at 6:50 p.m.

PHONE (480) 988 7600 FAX (480) 988 2315



May 15, 2019

GP18-09/Z18-19 NEC Warner and Recker Roads Attachment 7: Correspondence from Phoenix Mesa Gateway Airport October 2, 2019

Ashlee MacDonald, AICP Town of Gilbert Planning Services Division 90 East Civic Center Drive Gilbert, AZ 85296

*Re: GP18-09/Z18-19* 

Description: Major General Plan Amendment Location: NEC of Warner & Recker Roads

Dear Ashlee:

Thank you for this opportunity to review this request. It is our understanding that this project is requesting a Major General Plan Amendment and rezoning from Business Park (BP), Light Industrial (LI) and Community Commercial (CC) to residential classifications R>8-14, R>3.5-5 (Residential), and CC on 125± acres on the northeast corner of Recker and Warner Roads.

This site is within the Airport Overflight Area (AOA) III, the published FAA Traffic Pattern Airspace, and a portion within the Part 77 area as identified in Phoenix-Mesa Gateway Airport Authority's (PMGAA) 2017 Airport Land Use Compatibility Plan Update. This proposal is also in alignment with Runway 12R/30L. Any development at this location, due to its proximity to Phoenix-Mesa Gateway Airport (the Airport) will be subject to frequent aircraft overflights and will be affected by noise. Occupants will hear and see aircraft landing and taking off from the Airport and will experience aircraft overflights that generate noise levels considered by many to be "annoying".

The Airport supports the current General Plan classifications on the subject parcel(s) as they are compatible with airport operations. However, the Airport would recommend the following conditions below as a part of any motion for approval of the Amendment:

1- Any proposed permanent, or temporary, structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities.

For any new residential development within AOA III the Airport recommends the following conditions as a part of any motion for approval:

2- A fair disclosure agreement and covenant, which would include the following disclosure, should be recorded as a condition of development approval: "This property, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the Airport now and in the future include: scheduled and unscheduled commercial charters, commercial air carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes."



- 3- All final subdivision plats and public reports filed with the Arizona Department of Real Estate should include the notice described in Condition 2 above.
- 4- Sales and leasing offices established for new subdivisions and residential development projects should provide notice to all prospective buyers and lessees stating that the project is located within an Aircraft Overflight Area. Such notice should consist of a sign at least 4-foot by 4-foot installed at the entrance to the sales office or leasing office at each project. The sign should be installed prior to commencement of sales or leases and should not be removed until the sales office is permanently closed or leasing office no longer leases units in the project. The sign should state the disclosure in Condition 1 with letters of at least one (1) inch in height.

Thank you for the opportunity to comment on this proposal. If you have any questions, please contact me at (480) 988-7649.

Sincerely,

Cluthay Brande Anthony Bianchi, A.A.E.

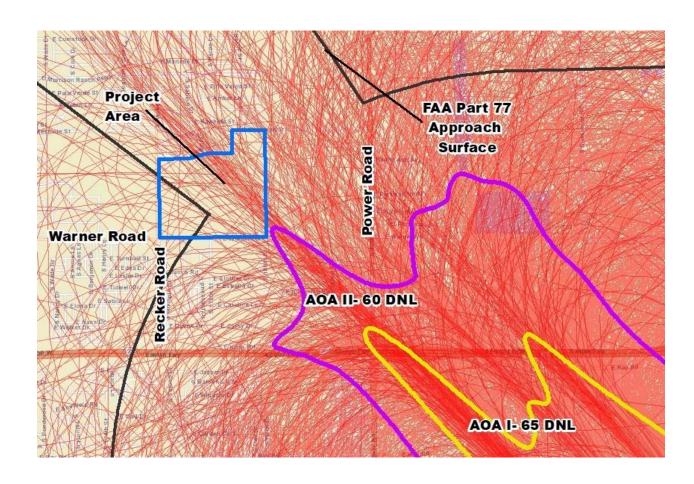
Planning Manager

#### Attachment

- 1- Radar Flight Track Map
- 2- Recorded Avigation Notice & Public Airport Disclosure Map

Cc: Bob Draper, Engineering & Facilities Director, PMGAA





Radar Flight Track Map (1 Week Timeframe)

OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
ADRIAN FONTES
20170301390 04/27/2017 10:12
KIOSK RECORDING

0361408-4-1-1 yorkj

AVIGATION NOTICE

# DO NOT REMOVE

This is part of the official document

When Recorded Return To:

Phoenix-Mesa Gateway Airport Authority 5835 South Sossaman Road Mesa, Arizona 85212-6014 Attn: Engineering & Facilities

For Recorder's Use

# Avigation Notice Phoenix-Mesa Gateway Airport Overflight Area

All of the real property (the "Property") described in "Exhibit A" attached to this Notice, lies within the boundaries of the Phoenix-Mesa Gateway Airport (or the "Airport") Overflight Area. This Notice and exhibit satisfies the requirements of Arizona Revised Statutes (A.R.S.) Sections 28-2485 and 28-2486, and is intended to provide public disclosure regarding the characteristics of the flight operations in the vicinity of the Airport and to provide notice to property owners regarding those activities. Therefore, the Airport hereby discloses and provides notice of the following:

## A. Background:

Williams Air Force Base was established in 1941 and became Williams Gateway Airport after the base closure in 1994, and presently serves as a reliever airport for Phoenix Sky Harbor International Airport. The Airport was later renamed Phoenix-Mesa Gateway Airport shortly after commercial airline service began, in order to provide a clearer geographic reference for the Airport. The Airport currently has three (3) parallel runways, each around two miles in length that can accommodate nearly any size of aircraft, and approximately 1,000 vacant acres available for additional growth and development.

# B. Operational Characteristics:

Phoenix-Mesa Gateway Airport is currently one of the busiest airports in the United States in terms of takeoffs and landings ("Operations") with approximately 250,000-300,000 annual Operations. The 2017 Phoenix-Mesa Gateway Airport Land Use Compatibility Plan Update determined an annual service volume, or reasonable capacity of Operations, of 498,000 Operations. The Airport is open twenty-four hours a day, so Operations may occur at any hour of the day or night.

Property within the boundaries of these overflight areas, due to its proximity to Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels and frequency that may be of concern to some individuals. The mix of aviation activities and types of aircraft expected to be located and operate at the Airport now and in the future include: Scheduled and unscheduled commercial charters, commercial air

carriers and commercial air cargo operations, all of which are expected to use large commercial aircraft; general aviation activity using corporate and executive jets, helicopters, and propeller aircraft; aviation flight training schools using training aircraft; and military activity using high performance military jets. The size of aircraft and frequency of use of such aircraft may change over time depending on market and technology changes.

# C. Phoenix-Mesa Gateway Airport Master Plan:

Phoenix-Mesa Gateway Airport has an Airport master plan that is updated periodically. The master plan provides information on future plans for the Airport. Over the long-term, aircraft operations and the utilization of the Airport is expected to increase. The current Airport master plan is available for review at the Airport's administrative office, located at 5835 South Sossaman Road in Mesa, or on the Airport's website (gatewayairport.com).

## D. Public Right of Transit:

The property included in Exhibit A is subject to regulations under title 49 of United States Code, revised sections 40102 and 40103 (as amended), and 14 Code of Federal Regulations (CFR) Section 91.119, including airspace needed to ensure safety in the takeoff and landing of aircraft and the public right of transit through navigable airspace.

# E. Public Airport Disclosure:

Exhibit A, the current disclosure notice and map to prospective purchasers, follows the State of Arizona guidelines regarding properties underlying the typical flight patterns for Phoenix-Mesa Gateway Airport. The Public Airport Disclosure Map is prepared in accordance to A.R.S. Sections 28-8485 and 28-8486, and generally depicts areas of aircraft overflights or aircraft operations. Public Airport Disclosure Maps are available from the Arizona Department of Real Estate's main office and website, currently at – 2910 North 44<sup>th</sup> Street, Suite 100, Phoenix, AZ 85018, and http://www.re.state.az.us/airportmaps/publicairports.aspx.

2/21/2017

The Airport shall duly record this Notice in the Office of the County Recorder of Maricopa County.

R.J. Draper, P.E.

Engineering & Facilities Director

Phoenix-Mesa Gateway Airport Authority

